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REMARKS

This is a full and timely response to the non-final Office Action mailed May 25, 2007.

Reconsideration of the application in light of the following remarks is respectfully requested.

Claim Status:

Claims 7 and 30 have been cancelled previously without prejudice or disclaimer.

Claim 13 is amended herein to add a colon which was omitted in a typographical error. No

other amendments to the application are proposed by the present paper. Thus, claims 1-6, 8-

29, 31 and 32 are currently pending for further action.

Prior Art:

In the outstanding Office Action, claims 1, 4-6, 11, 13, 15, 16, and 21 were rejected

under 35 U.S.C. § 103(a) as being unpatentable over the teachings of U.S. Patent Application

Publication No. 2002/0087619 to Tripathi ("Tripathi") in view of Peterson et al. (Computer

Networks: A Systems Approach; Morgan Kaufmann Publishers; copyright 2000, pages 634-

640) ("Peterson"). (Action of 5/25/07, p. 2). For at least the following reasons, the rejection

is respectfully traversed.

Claim 1 recites

> A computer network for providing services comprising:
> *a plurality of computing elements each of which comprises general-purpose,*
> *programmable computing resources that can be selectively programmed for*
> *supporting one or more of a plurality of different electronic services, wherein said*
> *services are controlled or operated by commands or data transmitted via email;*
> a mail server for receiving and routing email; and
> a redirector, separate from said mail server, communicatively connected to
> said mail server and each of said computing elements, wherein said redirector receives

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email from said mail server, wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and *wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service,* such that said redirector serves as an email proxy for said plurality of computing elements;

wherein said electronic services are controlled by said email routed by said redirector among said plurality of computing elements.
(Emphasis added).

In contrast, neither Tripathi nor Peterson teach or suggest the claimed redirector. Specifically, Tripathi and Peterson combined do not teach or suggest a network comprising "a plurality of computing elements each of which comprises general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services" and a redirector *"configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service,* such that said redirector serves as an email proxy for said plurality of computing elements" (Emphasis added).

By way of relevant background, Tripathi teaches a system and a method for *managing a server*. (Tripathi, abstract and claim 1). Tripathi describes a system that can be used to access server status information, or to manipulate the state of a server using email. (Tripathi, ¶ [0019]). The system functions by allowing a "network administrator" to access a server in order to obtain status information or perform service on the server by sending directions to the server encoded in email messages (Tripathi, ¶ [0019]). Tripathi does not teach or suggest anything like the claimed redirector that routes email data based on the availability of computing resources rather than an email address.

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Peterson is a textbook that merely describes, among other things, the basic protocols and methods used for email communication. Peterson describes the message transfer protocols that are used to send email, the way that email transmissions are formatted, and the use of gateways to further the transmission of emails. Peterson does not teach or suggest anything about a redirector that routes email data based on the availability of computing resources rather than an email address.

With regard to the claimed redirector, the Office Action refers exclusively to the teachings of Tripathi. (Action of 5/25/07, pp. 2 and 3). Specifically, the Office Action construes Tripathi's mail agent (130, Fig. 2) as the claimed redirector. (Action of 5/25/07, p. 3).

Tripathi's mail agent cannot, however, be read on the claimed redirector for at least the following reasons. Claim 1 recites, "wherein said redirector is configured to selectively match *an available computing element* with a specific service request of an incoming email, *whether or not said email is addressed to a specific computing element*, and forward at least a portion of the email to that available computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements." In contrast, Tripathi expressly teaches away from this subject matter.

With regard the mail agent (130), Tripathi states that an incoming email message to the mail agent (130) will "specify whether the service requested relates to a specific server, such as server 330, server 340, or another computer within a network, or whether the service is applicable to one or more specific servers within the network , or to all such servers." (Tripathi, ¶ [0030]). There is no indication in Tripathi of a component, like the claimed redirector, that is able to process an email and selectively match an available computing

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element with a service request "whether or not said email is addressed to a specific computing element." The mail agent (130) of Tripathi, cited in this regard by the Office Action, is only described as receiving emails that specify which of the servers that message relates to. Nowhere in Tripathi is it taught or suggested that the mail agent may choose which server gets the service request based on resource availability.

Consequently, the teachings of Tripathi and Peterson do not allow for the claimed subject matter in which an email being handled by a redirector is matched to an available computing element whether or not the email is addressed to a specific computing element. Thus, the combination of Tripathi and Peterson does not teach or suggest the claimed redirector.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Tripathi and Peterson, clearly did not include the claimed redirector or its functionality and advantages.

A large number of devices may exist in the prior art where, if the prior art is disregarded as to its content, purpose, mode of operation and general context, the several elements claimed by the Applicant, if taken individually, may be disclosed. However, the important thing to recognize is that the reason for combining these elements in any way to meet Applicant's claims only becomes obvious, if at all, when considered from hindsight in the light of the application disclosure. The Federal Circuit has stressed that the "decisionmaker must step backward in time and into the shoes worn by a person having ordinary skill in the art when the invention was unknown and just before it was made."

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Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1566 (Fed. Cir. 1987). To do otherwise would be to apply hindsight reconstruction, which has been strongly discouraged by the Federal Circuit. *Id.* at 1568. Respectfully, "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious"; *Interconnect Planning Corp. v. Feil,* 774 F.2d 1132,1141, 227 USPQ 543, 550 (Fed. Cir. 1985); *W.L. Gore & Assocs. v. Garlock, Inc.,* 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)

> "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." *W.L. Gore & Assoc. v. Garlock, Inc.,* 721 F.2d 1540, 1553 (Fed. Cir. 1983).

> Therefore, without some reason in the references to combine the cited prior art

teachings, with some rational underpinnings for such a reason, the Examiner's conclusory statements in support of the alleged combination fail to establish a prima facie case for obviousness. *See, KSR International Co. v. Teleflex Inc.*, No. 04-1350, 550 U.S. ___ (2007) (obviousness determination requires looking at "whether there was an apparent reason to combine the known elements in the fashion claimed...," *citing In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness," *KSR* at 14).

As explained in Applicant's specification, with the claimed redirector, the plurality of computing elements can flexibly provide services to network users with all of the various computing elements being optimally utilized to provide services without it being necessary for any component but the redirector to track which computing elements are engaged in which services. (Applicant's specification, paragraph 0048). This is a significant advantage

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that is not available to, or enabled by, the prior art of record. Clearly, the claimed redirector would not have been obvious to one of skill in the art based on the dissimilar and much simpler mail agent taught by Tripathi.

For at least these reasons, Tripathi and Peterson cannot support a rejection of claim 1 under § 103 and *Graham*. In other words, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Tripathi and Peterson clearly fail to teach or suggest all the features of claim 1. For at least these reasons, the rejection of claim 1 and its dependent claims based on Tripathi and Peterson should not be maintained, but should be reconsidered and withdrawn.

Additionally, claim 1 further recites, "wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, *and forward at least a portion of the email to that available computing element* so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements." In contrast, the combination of Tripathi and Peterson does not teach or suggest this subject matter. The combination of Tripathi and Peterson does not teach or suggest a redirector that processes email and forwards at least a portion of the email to the available computing element.

The mail agent (130) taught by Tripathi that the Office Action construes as the redirector does not forward any of the email to the servers in the system. Rather, the mail agent contains a decipherer (220), and a service performer (240) that decode the email message and directly perform the requested service on the specified server or servers. (Tripathi, Fig. 2; ¶¶ [0023], [0026]-[0028]). It is clear from this description that the mail

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agent of Tripathi "may connect to a server" and "execute an action on the server". (Tripathi, ¶ [0028]). However, Tripathi does not teach or suggest "*forward[ing] at least a portion of the email to that available computing element* so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements." (Emphasis added).

Again, the scope and content of the prior art does not include the claimed redirector that "*forward[s] at least a portion of the email to that computing element so as to deliver said command or data to that specific service*, such that said redirector serves as an email proxy for said plurality of computing elements." This significant difference from the prior art would clearly not have been obvious to one of ordinary skill in the art from the Tripathi's teachings regarding a mail agent, as cited above. For at least these additional reasons, Tripathi and Peterson cannot support a rejection of claim 1 under § 103 and *Graham*. Thus, the rejection based on Tripathi and Peterson should be reconsidered and withdrawn.

> Independent claim 11 recites:
>
> A method of providing services with a computer network that comprises a plurality of computing elements each of which comprise general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services that are controlled or operated by commands or data received via email, and a redirector, communicatively connected to each of said computing elements; said method comprising:
> receiving an email message, said message containing a command or data configured for a specific service on one of said computing elements, wherein said email message relates to said specific service, *with or without being addressed to a specific computing element*; and
> *routing at least some of said email message comprising said command or data to a corresponding computing element to control or execute said specific service*, such that said redirector serves as an email proxy for said computing elements, wherein *said redirector determines which computing element receives said command or data from said email message based on the specific service to which that email message relates*.

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(Emphasis added).

In contrast, as demonstrated above, the combination of Tripathi and Peterson fails to teach or suggest a method that includes "receiving an email message, said message containing a command or data configured for a specific service on one of said [plurality of] computing elements, wherein said email message relates to said specific service, *with or without being addressed to a specific computing element*." (Emphasis added). Tripathi and Peterson further fail to teach or suggest "routing at least some of said email message comprising said command or data to a corresponding computing element to control or execute said specific service, such that said redirector serves as an email proxy for said computing elements, *wherein said redirector determines which computing element receives said command or data from said email message based on the specific service to which that email message relates.*" (Emphasis added).

As demonstrated above, the combination of Tripathi and Peterson fails to teach or suggest routing at least some of an email message "based on the specific service to which that email message related" rather than an email address, where the email is handled "*with or without being addressed to a specific computing element*." (Emphasis added).

Under the analysis required by *Graham*, the scope and content of the prior art, as evidenced by Tripathi and Peterson, clearly fails to include the claimed method in which email containing a command or data configured for a specific service is routed, with or without being addressed to a specific computing element, based on the specific service to which that email message relates. The advantages of this significant difference over the prior art are noted above. For at least these reasons, Tripathi and Peterson cannot support a rejection of claim 11 under § 103 and *Graham*. Therefore, the rejection of claim 11 and its dependent claims should not be maintained, but should be reconsidered and withdrawn.

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Claims 2, 3, 8, 9, 12, 17, 18, and 24 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Tripathi, Peterson and U.S. Patent No. 5,819,110 to Motoyama ("Motoyama"). (Action of 5/25/07, p. 5). This rejection is respectfully traversed for at least the same reasons given above with respect to the independent claims.

Additionally, claim 8 recites: "a firewall through which said email messages are received, said mail server and redirector both being protected within a common firewall." Claim 17 recites similar subject matter. In this regard, the Office Action takes "Official Notice" "that both the concept and advantages of providing for a firewall to protect the email processing center is well known." (Action of 5/25/07, p. 6). This is irrelevant.

Claim 8 does not merely recite a firewall, but that both a server and redirector and defined and claimed by Applicant are protected within a common firewall. This subject matter has not been shown to be taught or suggested by the prior art of record. Due to the unique nature of the redirector disclosed and claimed by the Applicant, it is significant that the server and redirector are protected within a common firewall as recited in claim 8. In contrast, none of Tripathi, Peterson, or Motoyama teach that both the server and redirector are protected within a common firewall. Consequently, Applicant hereby requests that prior art actually teaching the features of claims 8 and 17 be introduced into the record or that the rejection of claims 8 and 17 be reconsidered and withdrawn.

Claim 9 recites "further comprising a web client within said firewall communicating with said redirector to obtain access to said services." Claim 18 recites similar subject matter. Again, Tripathi, Peterson and Motoyama fail to teach or suggest this subject matter, and the Office Action fails to clearly indicate how or where the prior art teaches or suggests this subject matter. Thus, Applicant again requests that prior art actually teaching the features of

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claims 9 and 18 be introduced into the record or that the rejection of claims 9 and 18 be reconsidered and withdrawn.

Claims 10, 19 and 20 were rejected under 35 U.S.C. § 103(a) over the combined teaching of Tripathi, Peterson, Motoyama and U.S. Patent No. 6,480,901 to Weber et al. ("Weber"). (Action of 5/25/07, p. 7). This rejection is respectfully traversed for at least the same reasons given above with respect to the independent claims.

Additionally, claim 10 recites "wherein said redirector generates web pages related to said services for said web client." Claims 19 and 20 depend, respectively from claims 18 and 11, and recite: "generating web pages for a [said] web client with said redirector, said web pages being related to said services."

In this regard, the Office Action cites to Weber at Fig. 7 and col. 14, lines 23-41. (Action of 5/25/07, p. 8). However, these portions of Weber do not teach or suggest a redirector, as disclosed and claimed. Applicant notes again the unique nature of the redirector disclosed and claimed by Applicant which as been explained above. Consequently, because neither Weber nor the other cited prior art teach or suggest such a redirector, Weber and the other cited prior art must also fail to teach or suggest the claimed redirector that generates web pages relating to the services provided on a plurality of connected computing elements for which the redirector serves as an email proxy. For at least this additional reason, the rejection of claims 10, 19 and 20 should be reconsidered and withdrawn.

Claims 22, 23, 26-29, 31, and 32 were rejected under 35 U.S.C. § 103(a) over the combined teaching of Tripathi, Peterson, and U.S. Patent Application No. US 2002/0156876

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to Hartman et al. ("Hartman"). (Action of 5/25/07, p. 8). This rejection is respectfully traversed for at least the same reasons given above with respect to the independent claims.

The Applicant additionally notes that "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious" (See, e.g. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780, (Fed. Cir. 1992)).

Claim 25 was rejected under 35 U.S.C. § 103(a) over the combined teaching of Tripathi, Peterson, Motoyama and Hartman. (Action of 5/25/07, p. 9). This rejection is respectfully traversed for at least the same reasons given above with respect to the independent claims.
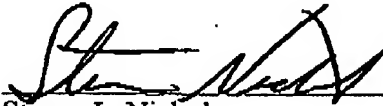
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Conclusion:

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.
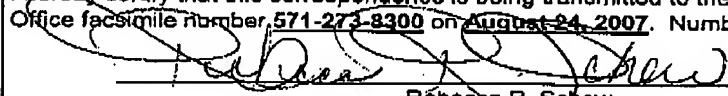
Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number 571-273-8300 on August 24, 2007. Number of Pages: **23**

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